

composition as an antidandruff or antiseptic agent due to its antimicrobial activity and the liberation of the active species, i.e., ascorbic acid, *in vivo*.

Applicants note that EP '321 was published on December 16, 1998, less than 12 months before Applicants' effective filing date of May 26, 1999, based on U.S. Provisional Application Ser. No. 60/136,218. Applicants also note that the subject matter disclosed in EP '321 and relied on by the Examiner was in fact invented by the inventors of the present application. Therefore, Applicants submit herewith an unexecuted Declaration under 37 C.F.R. § 1.132 from the inventors of the subject matter presently claimed in claims 1-6 stating that they are co-inventors of the subject matter in EP '321 upon which the Examiner relies and that the subject matter was derived from Applicants (the executed Declaration will be submitted promptly after it is received by the undersigned). In this regard, Applicants note that a Declaration under 37 C.F.R. § 1.132 was previously filed on July 2, 2001, with respect to this reference, but Eiko Masatsuji was inadvertently omitted from that Declaration, as set forth in the present Declaration, which is the reason why the present Declaration is being submitted.

In view thereof, Applicants respectfully request withdrawal of the rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response under 37 C.F.R. §1.111  
U.S. Application Ser. No. 09/492,763

Attorney Docket No. Q54487

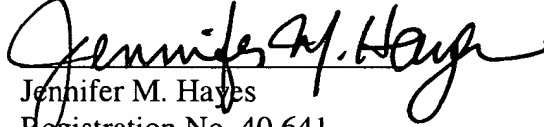
The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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**23373**

CUSTOMER NUMBER

Respectfully submitted,

  
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Date: April 28, 2004